

### **Remarks**

Receipt is acknowledged of the Office Action of February 4, 2000. Reconsideration of the application is respectfully requested.

In the Office Action, the Examiner objected to the specification of the reissue application as not providing support for the invention as now claimed. Applicant has amended the specification to overcome the objection. Specifically, Applicant agrees with the Examiner that introduction of the "cooking embodiment" and related aspects into the specification was the introduction of new matter. Therefore, the specification was amended to only include matter already disclosed in the '471 patent.

Applicant further agrees with the Examiner that the deletion of the term "box-shaped" in the specification was not appropriate. However, since cited prior art does not require this limitation, the limitation has been deleted from the amended claims 1,5, 9-14. Applicant has also amended Claim 10 to more particularly claim one of the preferred embodiments of the invention wherein the food product to be smoked in the oven is suspended from hooks attached to a rotatable disc. This particular embodiment is disclosed in the second paragraph of the Description of the Preferred Embodiments of the issued patent (See Column 2, lines 56-63).

As more particularly stated below, the original patent contained an error which resulted in the scope of the invention, as claimed, being too narrow. Specifically, the issued patent has

disclosed the compact smoking oven having a rotatable food support, which, in the preferred embodiment shown in Figs. 14A - 14C, is constructed of a first rotatable disc, a second rotatable disc and a plurality of rods. The rods are rotatably mounted and spaced apart in a circumferential direction on the rotatable discs. Each rod has one of its ends inserted through an opening in the first rotatable disc and is turnably secured by a rotatable flap which is pivotally mounted on the first disc. The other end of each rod is inserted through a corresponding opening in the second rotatable disc. When the discs are rotated during the smoking process, the rods also rotate around their axes. Additionally, the entire food supporting assembly may be removed from the oven for loading and unloading of the food product without disassembling rods from the discs inside the oven. The above described structure was deemed by the Applicant to be an essential feature of his invention. However, claims of the issued '471 patent do not adequately cover this feature. Since this matter might have been claimed in the original patent Applicant has amended the existing claims and added new claims to protect his invention in this reissue application.

Applicant further added new claims 32 and 33 to more particularly claim a rotatable grate which is disclosed in the original patent but was not adequately protected by the issued claims. Figs 11B, 13B and 16 show a food support constructed as a grate having two portions movable between two positions: open and closed. The grate can be <sup>now refer</sup> mounted on two rotatable discs and then inserted into the oven as a unit, as shown in Fig. 13B, or it may be rotatably mounted on the oven's walls, as shown in Fig. 11B.

↓  
grate doesn't  
mounted to discs 41, 42, but  
to the  
to the

In view of the above amendments and remarks, it is submitted that all of the claims

remaining in the application, specifically claims 1 -14, and 26 - 34, are currently in patentable form. A prompt and favorable allowance of all of the claims is requested and believed fully warranted. Should the Examiner have any questions concerning the present Amendment, a telephone call to counsel would be welcomed.

Dated: April 5, 2000

Respectfully submitted,

*Anna Vishev*

Anna Vishev (Reg. No. 45,018)  
Levisohn, Lerner, Berger and Langsam  
757 Third Avenue, Suite 2400  
New York, New York 10017  
(212) 486-7272 (phone)